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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,020	04/19/2004	Christopher Louis Capps	SVL920030108US1	2516
34663	7590	04/18/2008	EXAMINER	
MICHAEL J. BUCHENHORNER 8540 S.W. 83 STREET MIAMI, FL 33143			GORTAYO, DANGELINO N	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/827,020	Applicant(s) CAPPs ET AL.
	Examiner DANGELINO N. GORTAYO	Art Unit 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 February 2008.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13, 15-24 and 26-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13, 15-24, and 26-28 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 2/4/2008, claims 1-3, 11, 15, 17, 18, 23, 24, 26, and 28 have been amended. Claim 25 has been cancelled. The currently pending claims considered below are Claims 1-13, 15-24, and 26-28.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13, 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US Publication 2003/0050849 A1) in view of Jani et al. (US Publication 2005/0049974 A1)

As per claim 1, Keller teaches "In a network comprising a plurality of store node where transaction log data is collected, an enterprise node connected to the store node, wherein the enterprise node comprises data on all the store nodes a method for converting transaction log data to transformed data," (see Abstract, Figure 1, paragraph 0012, 0013, 0014, 0015, 0030, wherein manufacturers and retails collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

"the method comprising: determining a period of time when the transaction log data is to be processed;" (Figure 8 reference 400 and paragraph 0045, 0046, wherein a job scheduling tool determines when data is sent to a manufacturer database)

determining at one of the plurality of store nodes whether to process the transaction log data in the store (paragraph 0036, 0042, 0045, wherein data can be processed into metadata envelopes in a retailer based on transaction or set up data)

"processing the transaction log data in the store node if the local processing conditions are satisfied;" (paragraph 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database in a transaction server)

"and sending the transaction log data to the enterprise node for processing there if the local processing conditions are not satisfied, wherein the enterprise node comprises data on all of the store nodes." (Figure 3 reference 70, paragraph 0030, 0031, 36, 37, 0051, wherein data streams can be sent to a server, for transformation into a database based on the intake level in a transaction server database, the transaction server database containing transaction log tables containing all data, whether transactional or non-transactional)

Keller does not teach determining whether to process data in the store based on relevant store node processing conditions, wherein the store node processing conditions comprise a need for the transformed data in the store node and an availability of processing resources for processing in the store node during the period of time.

Jani teaches determining whether to process data in the store based on relevant store node processing conditions, wherein the store node processing conditions comprise a need for the transformed data in the store node and an availability of processing resources for processing in the store node during the period of time. (Figure 7A references 210, 212, 216, and paragraph 0042, 0043, 0044, 0060, 0061, wherein it is determined the number of concurrent transactions allowed as specified and defined in the store node as well as if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

As per claim 2, Keller teaches "the period of time is a predetermined interval." (paragraph 0013)

As per claim 3, Jani teaches "the period of time is based on an amount of the transaction log data accumulated." (paragraph 0044)

As per claim 4, Keller teaches "the transformed data comprises a transformed format." (paragraph 0031, wherein the data is transformed to a common format)

As per claim 5, Keller teaches "the transformed data format is XML." (paragraph 0047)

As per claim 6, Keller teaches "the transformed data format is IXRetail."

(paragraph 0047, wherein the XML format is for transaction data)

As per claim 7, Keller teaches "the transformed data format comprises POSLog data." (paragraph 0045, 0047, wherein data can be transformed into EDI format)

As per claim 8, Keller teaches "the transaction log data comprises sales-related data." (paragraph 0013, 0016)

As per claim 9, Keller teaches "the method further comprises transforming the transaction log data into the transformed data format at the store node if the conditions are met." (paragraph 0042)

As per claim 10, Keller teaches "the processing comprises parsing the transaction log data to extract data from each of a plurality of fields." (Figures 26, 29, 31, paragraph 0024, 0025)

As per claim 11, Keller teaches "sending the data to the enterprise node for processing, if no optimal conditions are satisfied, further comprises converting the transaction log data to a transformed data format and entering the transformed data into a database." (paragraph 0044)

As per claim 12, Keller teaches "determining whether to process the transaction log data is done at the store node." (paragraph 0046, wherein messages determine when to process data)

As per claim 13, Keller teaches "determining whether to process the transaction log data is done at the enterprise node." (paragraph 0051)

As per claim 15, Keller teaches "sending the transaction log data to another store" (paragraph 0012)

As per claim 16, Keller teaches "determining whether to process the transaction log data in the store node is done at the frequency of transaction log transfers to the enterprise node." (paragraph 0013, 0016)

As per claim 17, Keller teaches "local processing conditions further comprise the available processing bandwidth of the network for transmitting the data to the enterprise node." (paragraph 0051, 0052)

As per claim 18, Keller teaches "An in-store information processing system" (see Abstract, Figure 1, paragraph 0012, 0013, 0014, 0015, 0030, wherein manufacturers and retail collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

"comprising: a point of sale controller configured for processing transaction log data;" (Figure 1 references 24, 26, 28, 30, paragraph 0017, 0041, wherein a retailer or manufacturer collects transaction data)

"a memory for storing transaction log data;" (paragraph 0036, 0041, wherein a retailer and manufacturer databases store transaction data)

"and a communication subsystem coupled to an enterprise node for transmitting the transaction log data to the enterprise node;" (paragraph 0036, wherein data flows from retailers and manufacturers to transaction data store)

"wherein the point of sale controller comprises logic for determining a period of time when the transaction log data is to be processed," (paragraph 0045, 0046, wherein transformation job is initiated based on message received)

Keller does not teach "and for determining whether to process the transaction log data in the store node based on store node processing conditions, wherein the store node processing conditions comprise one of a need for the transformed data in the store node and a demand for processing in the store node during the period of time."

Jani teaches "and for determining whether to process the transaction log data in the store node based on store node processing conditions, wherein the store node processing conditions comprise one of a need for the transformed data in the store node and a demand for processing in the store node during the period of time." (Figure 7A references 210, 212, 216, and paragraph 0042, 0043, 0044, 0060, 0061, wherein it is determined the number of concurrent transactions allowed as specified and defined in the store node as well as if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

As per claim 19, Keller teaches “the logic comprises program code instructions for execution by the point of sale controller.” (paragraph 0021)

As per claim 20, Keller teaches “the logic comprises an application-specific integrated circuit.” (paragraph 0035)

As per claim 21, Keller teaches “the point of sale controller is part of a point of sale terminal.” (paragraph 0012, 0016)

As per claim 22, Keller teaches “collecting transaction log data at a store node in a network, wherein the transaction log data comprises raw information relating to transactions conducted at the store node;” (paragraph 0016, wherein transaction data is collected on the retailer side)

“determining a period of time when the raw information is to be processed for conversion to transformed data;” (Figure 8 reference 400 and paragraph 0045, 0046, wherein a job scheduling tool determines when data is sent to a manufacturer database)

“determining whether to process the transaction log data in the store node based on local processing conditions,” (paragraph 0045 lines 7-15, wherein transformation job is initiated based on message received)

“converting the raw information to transformed data in the store node if either of the conditions is met;” (paragraph 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database)

"and sending the raw information to an enterprise node for conversion to transformed data if none of the optimal conditions are satisfied." (paragraph 0042, 0044, 0051, wherein data streams can be sent directly to a server, for transformation into an XML document in a database)

Keller does not teach "wherein the local processing conditions comprise a need for the transformed data in the store node and a demand for processing in the store node during the period of time;"

Jani teaches "wherein the local processing conditions comprise a need for the transformed data in the store node and a demand for processing in the store node during the period of time;" (Figure 7A references 210, 212, 216, and paragraph 0042, 0043, 0044, 0060, 0061, wherein it is determined the number of concurrent transactions allowed as specified and defined in the store node as well as if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

4. Claims 23-24 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (US Publication 2003/0050849 A1) in view of O'Neil et al. (US Publication 2003/0069968 A1) and further in view of Jani et al. (US Publication 2005/0049974 A1)

As per claim 23, Keller teaches "In a network comprising a plurality of nodes where transaction log data is collected, wherein each store node comprises information relating to transactions conducted at the store node, and an enterprise node comprising information on all store nodes and connected to the store node, a method for converting the raw business data to transformed data," (see Abstract, Figure 1, paragraph 0012, 0013, 0014, 0015, 0030, wherein manufacturers and retail collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

"the method comprising: monitoring the availability of transaction log data at the store node;" (Figure 8 reference 400 and paragraph 0045, 0046, wherein a job scheduling tool monitors transactional data)

determining whether to transform the raw business data to transformed data (paragraph 0030, 0031, 0051, wherein data streams can be sent to a server, for transformation into a database based on the intake level in a transaction server database)

and transforming the transaction log data to transformed data at the enterprise node (paragraph 0042, 0044, 0047, 0049, wherein data is transformed into XML documents and placed into the database).

Keller does not teach “determining whether to transform the raw business data to transformed data based on relevant enterprise node conditions;”

O’Neil teaches determining whether to process raw business data to transformed data based on relevant enterprise node conditions; (Figure 2 references S201, S202, S203, paragraphs 0036, 0037, 0038, wherein the load of a server is determined and is processed based on the load).

It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller’s method of expressing different business data in a common format with O’Neil’s method of processing data using conditions in a server of a network. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a server accepting requests. The motivation for doing so is to utilize a business software system to respond to and service requests in a timely manner through balancing the load in a network (paragraph 0011 and 0012).

Keller in view of O’Neil does not teach “and based on relevant store node conditions, wherein relevant store node conditions comprise the need for the transformed data at the store node and availability of processing resources to process the transaction log data at the store node;”

Jani teaches “and based on relevant store node conditions, wherein relevant store node conditions comprise the need for the transformed data at the store node and availability of processing resources to process the transaction log data at the store node;” (Figure 7A references 210, 212, 216, and paragraph 0042, 0043, 0044, 0060, 0061, wherein it is determined the number of concurrent transactions allowed as

specified and defined in the store node as well as if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format and O'Neil's method of processing data using conditions in a server of a network with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

As per claim 24, Keller teaches "the relevant enterprise node conditions comprise any of availability of processing resources to process the transaction log data at the enterprise node and the relative cost of processing the transaction log data at the enterprise as opposed to the store node." (paragraph 0013)

As per claim 26, Keller and O'Neil are disclosed as per claim 23 above. Additionally, O'Neil teaches "the determining element comprises considering relevant network conditions and wherein relevant network conditions comprise the availability of bandwidth to transport the transaction log data from the store node to the enterprise node." (paragraphs 0036, 0040)

As per claim 27, Keller teaches "the store node comprises a retail sales operation and the enterprise node comprises an enterprise node coupled to the store node by a network." (paragraph 0012, 0016)

As per claim 28, Keller teaches "the transforming element comprises transforming the transaction log data to transformed data at the store node when any of the relevant store node conditions is satisfied." (paragraph 0042)

Response to Arguments

5. Applicant's amendments, see page 2, filed 2/4/2008 with respect to claims 1 and 11 in regards to 35 USC 112, second paragraph, have been fully considered and are persuasive. The rejection of claims 1 and 11 under 35 USC 112, second paragraph has been withdrawn.

6. Applicant's arguments, see page 8, filed 2/4/2008, with respect to the rejection of claims 1-13, 15-24, and 26-28 in regards to 35 USC 103(a) have been fully considered but they are not persuasive.

- a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's arguments is stated as Keller in view of Jani does not teach "determining whether to process data in the store based on relevant store node processing conditions wherein the store node processing conditions comprise a need for the transformed data in the store node and an availability of processing resources." as per claim 1 of the instant application.

In regards to the argument, Examiner respectfully disagrees. Jani teaches that there is a maximum number of transactions allowed to be processed from a data store by a payment processor server (paragraphs 0042 and 0043). By defining the maximum number of transactions, the system can control the load on the system, and the number of transactions is interpreted by the examiner as the relevant store node processing condition. As disclosed previously, paragraphs 0044, 0060, and 0061 of Jani teaches that there is a wait to respond to a transaction request based on if a worker thread is available, the worker thread being the resources needed to process transaction requests from transaction log. The prior art of Jani, teaching a decision process to determine whether to process data based on processing conditions and availability of processing resources, is combined with the prior art of Keller, which discloses processing data from suppliers and sellers within a transaction server to track transaction data, to give Keller the ability to utilize a determination process based on conditions within the supplier and seller nodes as well as availability of processing resources in the method. Therefore, Keller in view of Jani teaches

determining whether to process data in the store based on relevant store node processing conditions wherein the store node processing conditions comprise a need for the transformed data in the store node and an availability of processing resources.

c. Applicant's arguments is stated as Keller in view of Jani does not teach "wherein the enterprise node comprises data on all of the store nodes" as per claim 1 of the instant application.

In regards to the argument, Examiner respectfully disagrees. As disclosed in the above rejection, the transaction server of Keller is interpreted by the examiner to be the enterprise node. Within the transaction server is a transaction data store, containing transaction log tables. As disclosed in paragraphs 0036 and 0037 of Keller, all data, whether transactional or non-transactional, is processed in the transaction log tables, the transaction data from various supplier and seller nodes stored in the transaction data store within the database. Therefore, Keller in view of Jani teaches wherein the enterprise node comprises data on all of the store nodes.

d. Applicant's arguments is stated as Keller in view of O'Neil and further in Jani does not teach "logic for determining a period of time when the transaction log data is to be processed, and for determining whether to process the transaction log data in the store node based on store node processing

conditions, wherein the store node processing conditions comprise one of a need for the transformed data in the store node." as per claim 23 of the instant application.

In regards to the argument, Examiner respectfully disagrees, based on the same grounds as claim 1 above, wherein Jani teaches the limitation set forth above, amended to be included in claim 23.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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